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CHARTER  
AND  
BY-LAWS  
OF THE  
ICARIAN COMMUNITY.



NAUVOO, ILL.  
ICARIAN PRINTING ESTABLISHMENT.

—  
May 1857.

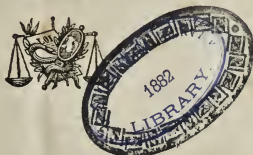
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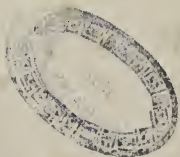


NAUVOO III.  
ICARIAN PRINTING ESTABLISHMENT.

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1857.

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## Advertisement.

For the members of the Icarian Community, the existence of this Society has really commenced in France on the 3rd. of February 1848, when the 69 first members departed from Havre for Texas, where this experiment was first tried, after they had solemnly accepted, sworn to and signed an act styled "THE ICARIAN ENGAGEMENT" which act, among other things, contained the acceptation of the "SOCIAL CONTRACT OR DEED OF ASSOCIATION OF THE COMMUNITY OF ICARIE." that had been published in number 25 of the *Populaire* of the 19th. of September 1847. Those engagements were renewed on several occasions, both in New-Orleans, after the retreat from Texas, and in Nauvoo where some other Laws and regulations were also made.

But *the legal social and political existence of the Icarian Community* in the United-States of America dates only of the 1st. of February 1851, after the passage, by the Legislature and approval by the Governor of the State of Illinois, of the ACT OR CHARTER WHICH INCORPORATES SAID ICARIAN COMMUNITY.

Therefore, the only laws to be placed in this book, which is intended to serve to the actual members of the Icarian Community and to those who may hereafter desire to be admitted into the said society, are : first the charter itself, and then the new by-laws passed or the old ones revised, since the passage and under the authority of said charter, by our General Assembly, and so we do leaving the old Contracts, Deeds, Engagements, etc., standing as they must, as elements for our history, which will be sometimes glorious, sometimes melancholy, but always curious, instructive and precious to the people.

Nauvoo (Ill.) April 1st. 1857.

## AN ACT TO INCORPORATE THE ICARIAN COMMUNITY.

### SECTION 1st.

Be it enacted by the people of the State of Illinois represented in the General Assembly that E. Cabet, J. Prudent, J. Witzig, P. J. Favard, A. Thibault, and A. Piquenard, and their associates and successors be and they are hereby constituted a body politic and corporate by the name and style of the "*Icarian Community*," and, by that name and style, they and their successors shall and may have perpetual succession, shall be capable of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered within all courts and places whatsoever. They may have a common seal and alter or change the same at pleasure, may purchase and hold or convey real and personal estate necessary to promote and fully carry out the objects and interests of said corporation, but for no other purpose.

SECT. 2. — The capital stock of said company shall be one hundred thousand dollars with the privilege of increasing the same to five hundred thousand, to be divided into shares of one hundred dollars each; but no one individual shall own more than one share. In all elections or questions to be decided by a vote of said company, each share, when owned by an adult male, shall have one vote which must be cast in person.

SECT. 3. — The business of said company shall be manufacturing, milling, all kinds of mechanical business and agriculture.

SECT. 4. — The said company shall have six Directors to be elected annually, one of whom shall be President, who shall have the management of the concerns of said Company, subject to the by laws to be adopted.

SECT. 5. — The persons named in the first section of this act shall be commissionners to take subscriptions and organize said company, and shall be the Directors

thereof until Directors shall be elected. The stock of said company shall be assignable, subject however to the regulations of the by-laws relating thereto.

SECT. 6. — The said company may pass such by-laws concerning the government of the property and business of said company and regulating its internal policy, and for other purposes directly connected with the business and management of said company as they may deem proper, not inconsistent with the Constitution and Laws of this State.

SECT. 7. — This act shall be deemed and taken as a public act and shall be construed liberally for the benefit of said company : Provided that the Legislature shall have power to alter, amend, modify or repeal the same whenever the public good shall require.

This act shall take effect sixty days after its passage.

SIDNEY BREESE.

*Speaker of the House of Representatives.*

WILLIAM MC. MURPHY.

*Speaker of the Senate.*

Approved February 1st. 1851.

AUG. C. FRENCH.

*Governor.*

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The copy of the foregoing act kept in the office of the Icarian Community at Nauvoo is accompanied by the following certificate :

UNITED STATES OF AMERICA. }  
STATE OF ILLINOIS. }

I, David L. Gregg Secretary of State of the said State of Illinois do hereby certify that the foregoing is a true copy of the enrolled law now on file in my office.

In testimony whereof I have hereunto set my hand and the great Seal of State, at the city of Springfield this 14th. day of March A. D. 1851.

DAVID L. GREGG.

*Secretary of State.*

**OBSERVATION.** This above Charter was granted to the Icarian Community by 43 votes against 28 in the House of Representatives.

On the 15th. of December 1855, Mr. Cabet attempted to violate it by presenting suddenly a *Proposition*, which he endeavored during two months to enforce upon the society, and the object of which was to substitute, to the six Directors elected annually, a *President* who was to be elected for 4 years with the privilege of making *alone* regulations for the Community, and to appoint and remove at pleasure all its officers. This was the source of the very serious difficulties which lasted for over a year in the Community. After the 4th. of August 1856, when Mr. Cabet and his party refused to submit to the election which was then made, agreeably to the charter, for three Directors of the Community, those difficulties would have degenerated in a riot, had not the prudence of the new Directors and of the Assembly succeeded in defeating the manoeuvres of the party who endeavored to bring on such a result.

At the last session of the Legislature of this State, the Cabet's party, who had withdrawn to Saint Louis, addressed a Petition to that body praying for the repeal of the Charter of the Community. On the 17th. of February 1857, the State Legislature pronounced against the repeal of said Charter by 55 votes against 9.

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## ICARIAN CONSTITUTION.

### CHAPTER 1.

#### PRELIMINARIES.

Nature has loaded the human race with benefits. On one hand she has spread over the surface of the Earth and surrounded Man with all the elements, and all the necessary productions for the satisfaction of his wants ; while, on the other hand, she has endowed him with instinct, reason and intelligence, sufficient to guide him in the use of these elements and productions. She has had in view the happiness of Humanity. Yet history has shown mankind to be almost always and everywhere unhappy.

Man is naturally a *social being*, he is consequently sympathetic, affectionate, and good ; yet in all ages and climes does history show us vices and crimes, oppression and tyranny, insurrection excited by despair, civil war, proscriptions, massacres, sufferings and tortures.

Still man is in a high degree *perfectible* and consequently his *progression* is a law of nature and evil cannot be without remedy.



If evil had its origin in the vengeance of a jealous and unpitying God, who would eternally punish on innocent posterity for the disobedience of one, whose guilt had been forced upon him by the temptation of an irresistible power, then must we indeed despair of a remedy, and resign ourselves to suffer.

But this vengeance and punishment is repugnant to all our ideas of justice and goodness ; to divine love and perfection and consequently we must seek elsewhere for the true cause of evil.

The cause we find to be in a *vicious social organization*, resulting from the inexperience, ignorance and error of mankind in its infancy, and consequently we perceive the remedy to be in a *better social organization*, an organization founded on opposite principles.

Let us then replace the old world by a new one ; the reign of Satan or evil by the reign of God, or goodness ; moral death by resurrection, regeneration, and life ; darkness by light ; habit and prejudice by the experience of past ages, error by truth, ignorance by instruction and education ; injustice by justice ; domination and servitude by enfranchisement and liberty ; aristocracy by democracy ; monarchy by republicanism.

Let us substitute the wellbeing of all, for the excessive opulence of a privileged minority, who receives everything without labor, injuriously glutting itself with superfluities, while the mass, which labors and produces all, has almost nothing, wanting even in necessities, and suffering in serfdom and misery.

Let us also substitute for religions mixed with superstition, intolerance and fanaticism, one of reason, which will induce men to love and aid each other.

Let us adopt a social organization, in which the word *Society* will no longer be a falsehood and a mockery, but on the contrary a truth and reality, in which there shall neither be antagonism, nor rivalry, where man, shall no longer be exploited by man, where the relationship of master, servant, menial, and workman, will be unrecognized ; proletarianism and pauperism abolished, and overworked labor unknown.

Let us replace individual property, the source of all

abuse by social property, common and indivisible, which has not the objections of the former, and which is infinitely more conducive to the benefit of all.

Let us purify the institutions of marriage and family, by the suppression of marriage portions, by the education of woman as well as that of man, and by leaving her free and unconstrained in the selection of a husband.

In a word, old society is based on selfishness, inequality and individualism: let the new be based on FRATERNITY, EQUALITY and LIBERTY, Communism or COMMUNITY.

## CHAPTER 2.

### GENERAL PRINCIPLES.

#### SECT. 1. — SOCIETY.

ART. 1st. The Icarians form together a true *Society*. They are all co-partners.

2. This Society includes all those Icarians, who are, or who shall be in future admitted, with their wives and children.

3. It is established for the interest of its members, and to guarantee them as far as possible in their natural rights, and to ensure them happiness.

4. It is also established for the entire humanity, in devotion to its welfare, and to present it with a system of Society capable of rendering it happy, and also of proving that community, based on fraternity is realizable and possible.

5. Its material object is to clear and cultivate the land, to construct habitations, to put in operation all useful arts, in short, to civilize and render fruitful the wilderness.

6. It is at the same time agricultural and industrial, civil and political.

7. The number of its members is unlimited.

8. It is destined to form a city and a state, submitted to the general laws of the United States.

9. In the mean time it submits to the laws of the State of Illinois.

10. Natives of all countries can become members.

provided they fully adopt the Icarian doctrine, and fulfill the conditions necessary for admission.

11. The conditions and mode of admission are regulated by a particular law.

12. Its capital consists of the wealth of all its members. Each one contributes to the Society all he or she possesses without reservation.

13. The Society is unlimited as to duration: nevertheless a member can retire, or be excluded, as explained in a following and a special law on the admission, the retreat and exclusion of members.

14. The Constitution and laws are made by the People and are established for their benefit.

15. Any authority proceeds from the People and is instituted in their interest.

16. The Government is democratic and republican.

17. The Icarian Society is based on the principles of Fraternity and Community.

18. It adopts the title of Icarian Community.

## SECT. 2. — FRATERNITY.

19. The Fraternity of men and Peoples is the fundamental principle and that which has given birth to the Icarian Community.

20. All the Icarians acknowledge and adopt each other as brothers.

21. They declare that it is to their interest to love, to aid, to succour and to defend each other as brothers.

22. This principle is identical with the evangelical precept "*Love thy neighbor as thyself*" or with the philosophical precept "*Do not unto others this that ye would not others to unto you*" on the contrary "*Do unto others this that ye would others do unto you.*"

23. This principle of Fraternity ought to be the soul of the Constitution, laws, usages and manners.

24. It ought, by education, to be rooted in the minds of the children, and practised throughout to its fullest consequences.

25. Its principal consequences are *Equality, Liberty, Unity and Solidarity.*

SECT. 3. — EQUALITY.

26. The Icarians proclaim the Equality to be natural, social, civil and political, without privilege. They recognize all as being equal, in rights and duties.

27. All have the right to be equally well fed, well clothed, lodged, provided for, and well treated in everything ; as it is the duty of all, to devote themselves to the Community.

28. Servitude is suppressed.

29. Equality is relative and proportionate each having an equal right to the benefits of the Community, in proportion to his wants ; and each being in duty bound to support its burdens in proportion to his capabilities.

30. All have the same degree of power in the sovereignty, the same right in making the laws and Constitution. All are equally eligible for all public functions.

SECT. 4. — LIBERTY.

31. Liberty is natural, social or civil, and political.

§ 1st. — *Natural Liberty.*

32. By nature man is essentially free ; violence and force can give no right to domination.

33. Defense against all attack ; resistance to all oppression are natural rights.

34. But all men are equally free ; consequently the liberty of each is necessarily circumscribed by the liberty of others. No one is free to encroach upon the liberty of others.

35. Nor is any individual at liberty to violate an agreement freely contracted ; or an engagement freely made.

§ 2. — *Social or civil Liberty.*

36. It is the object of society to guarantee natural liberty in defending it by the combined force of all.

37. Law, the expression of the social will, determines and fixes the necessary bounds of liberty. It inter-

dicts every thing, which may be injurious, and prescribes all which is useful.

38. Licence and anarchy are not liberty, they are the enemies of liberty.

39. When laws are made by the people, and for the people, they only interdict that which is injurious, and prescribe that which is useful.

40. Thus liberty is the right to do, all which is not prohibited by the law and to abstain from doing all which is not prescribed by the law.

41. Obedience to the law is the exercise of liberty.

### § 3. — *Political Liberty.*

42. Political Liberty is the right to assist directly or indirectly, equally with others, in the exercise of power and in the making of the constitution and laws.

## SECT. 5 — *UNITY.*

43. Individualism is productive of as many divisions, as there are individuals, dividing and subdividing without end, thus producing weakness.

44. Fraternity and Communism on the contrary are conducive to concentration and union, which is productive of strength and power.

45. The Icarian Community is founded upon perfect unity in all its component parts; union of the people, forming one sole family of brothers and one sole army of workmen; union of territory forming one sole possession; union in the exploitation of agriculture and general industry; union in education, forming one great and entire system of instruction and education for the whole people.

46. Unity must harmonize the various divisions that reason, science, practicability and utility in exploitation and labor, suggest.

## SECT. 6. — *SOLIDARITY OR MUTUAL RESPONSABILITY.*

47. Solidarity is also a consequence of Fraternity

and of Unity. All the Icarians are mutually bound to succour and protect each other.

48. The Icarian Community is a mutual and universal assurance against all accidents, disasters and misfortunes.

49. Contributions and taxes will no longer be necessary against fire, inundation, lack of employment, sickness, ruin and misery.

50. The Community furnishes to each, all which is necessary, upon the condition that each labors according to his strength and ability. All accidents are anticipated or borne and repaired by the Community.

51. There is neither proleterianism, pauperism, mendicancy nor vagabondage.

#### SECT. 7. — RESPECT FOR THE LAW.

52. One of the principles of the Icarian Community is respect for the law, and the submission of the minority to the will of the majority.

53. Before coming to the vote, each member is at liberty to express his opinion against the question under discussion; but each voter is under a tacit engagement to submit to any future decision of the Assembly.

54. The minority must yield to the majority and fulfil its decisions, without demur or criticism, till a proposition for revision be formally made, in accordance with the rules of the Constitution.

#### SECT. 8. — COMMUNITY.

55. Communism is the opposite of Individualism. Community of property is the contrary of individual property.

### CHAPTER III.

#### SOCIAL ORGANIZATION.

##### SECT. 1st. — PROPERTY: — USE.

56. In the Icarian Community, property is not individual, but Common, social and indivisible.

57. Each member is coproprietor in every thing ; but no property is individually, personally, or exclusively the property of any one ; the Community alone being proprietor.

58. Each one can, and ought to have the use or enjoyment of what is necessary, according to the regulations, established by law.

59. The Community suppresses : 1<sup>st</sup>, all the *abuses* of property, as *opulence* and the *poverty* it originates ; 2<sup>ly</sup>, the right of *succession* and inheritance, by providing all its children and all its citizens with every thing necessary ; 3<sup>ly</sup>, *buying and selling, commerce and shop keeping*, with their *frauds and adulterations*, with their *anxieties* and bankruptcies, replacing all these by a gratuitous distribution to all its members, of every article they need ; 4<sup>ly</sup>, all *money* for interior operations ; 5<sup>ly</sup>, all systems of *banking and usury* ; 6<sup>ly</sup>, the payement of *wages* to workmen ; 7<sup>ly</sup>, *salaries* of public fonctionaries ; 8<sup>ly</sup>, the *budget* and all *taxes* ; 9<sup>ly</sup>, *courts of law and litigation* with their host of agents of every discription.

#### SECT. 2. — WAGES.

60. All the workmen are fed, lodged, clothed and furnished by the Community ; consequently payments, being useless, are abolished.

#### SECT. 3. — SALARIES.

61. Public functions are labors and fonctionaries laborers, who are fed, clothed and lodged &c. like other workmen ; consequently salaries, being useless, are abolished.

#### SECT. 4. — TAXES.

62. Taxes of all description, being needless, are abolished ; there is no other tax than that of labor, labor rendered short of duration, light and without fatigue and danger, rendered even attractive from improved method and increased machinery.

SECT. 5. — ORGANIZATION OF LABOR.

63. Order and organization are ever necessary, and particularly in the operations of labor.

64. All the divers occupations are arranged and so disposed as to be exercised with the greatest profit and advantage.

65. All work is performed in convenient workshops.

66. Machinery will there be increased without limit, in order to aid and assist the workman, even supplying his place, so that, at a future period, man will have nothing more to do than to create and direct machinery.

67. Machinery is in the highest degree useful in a Community, since it labors for all, without injury to any.

68. All raw materials, all tools, all machines, are furnished by the Community, as all productions are collected, distributed, or employed by it.

69. The workmen form a pacific army, directed by officers chosen by themselves.

70. Labor is a public function.

71. All description of labor is equally esteemed and honored.

SECT. 6. — AGRICULTURE.

72. The preceding observations, on Industry in general, apply also to field labor or Agriculture. The community accords to it its highest solicitude as the base of social wealth.

SECT. 7. — FOOD.

73. The Community furnishes food to all its members.

74. It regulates all that concerns food.

75. At the commencement it provides common tables for all.

76. But when enabled it will establish some particular meals to be eaten in family homes, providing every thing for that purpose.

SECT. 8. — DWELLINGS.

77. The community provides lodging for all its members.



78. As soon as enabled, it will furnish separate dwellings to each family.

79. It regulates everything which relates to dwelling, workshops, public and communal buildings, villages and towns.

SECT. 9. — CLOTHING.

80. The community clothes all its members ; it regulates all relative to clothing.

81. It unites variety, with uniformity and equality.

SECT. 10. — EDUCATION.

82. The community educates all its children.

83. It disposes of its children, as it judges most advantageous to their own interest, and to general interest, consecrating every portion of their infancy and youth necessary to education, and regulating all relative thereto.

84. Its education is the most complete and perfect possible.

85. The education is physical, moral, intellectual, professional, scientific and civic.

86. *Physical* education has for its object to form robust and dexterous individuals.

87. *Moral* education has for its object the formation of excellent citizens, by accustoming to the practice of Fraternity and to the fulfilment of all social duties.

88. *Intellectual* education or *instruction* has for its object the development of the Icarians to the highest point of their intellects, by giving to all of them the elements of all the sciences and arts.

89. *Professional* education has for its object the formation of superior artisans and workmen for each department of art and industry.

90. *Scientific* education has for its object the formation of Teachers and men of learning, useful to humanity.

91. Civic education has for its object, the teaching and explaining the nature of political and social rights and duties.

92. Elementary and general education is the same for woman and for man.

93. Children of the same sex are educated in common schools.

94. When the community shall be perfectly established and developed, the children will reside with their parents, still frequenting the common schools.

#### SECT. 11. — MARRIAGE. — FAMILY.

95. The community is based on Mariage and on Family purified of all that alter or render them unnatural.

96. Voluntary celibacy is interdicted ; all who are enabled and disposed to marry ought to do so.

97. Every thing concerning marriage, family, paternal and maternal authority is regulated by law.

98. Marriage portions are abolished.

99. Choice in the selection of partners must be perfectly free and independent.

100. Husband and wife are equal ; in case of dissent between them, the law will regulate the course to be pursued,

101. The duty of fidelity in marriage is equally the same for both parties.

102. Marriage is contracted for life.

103. Nevertheless divorce will be permitted and provided for by law, under certain conditions which will be pointed out.

104. Each of the divorced parties can and ought to marry with another.

#### SECT. 12. — SICKNESS AND INFIRMITY.

105. Education, hygiene, the general organization of society and labor must seek to remedy and diminish sickness.

106. The sick and infirm must be carrefully attended to, in public or communal infirmaries, or at their houses as determined by law or regulations.

107. The physician, the surgeon, apothecary, attendants or nurses, are laborers or workmen, who have special labors and workshops like other workmen.

SECT. 13. — WOMEN. — CHILDREN. — AGED.

108. The Community guarantees : 1<sup>ly</sup> respect and regard from men in general, to women in general ; 2<sup>ly</sup> love to children ; 3<sup>ly</sup> regard and respect to the aged ; 4<sup>ly</sup> devotion and protection to all.

SECT. 14. — RELIGION.

109. The Icarian Community adopts as its Religion — the Religion of Christianity in its primitive purity, and its fundamental principle of Fraternity of Men and of Peoples.

CHAPTER IV.

POLITICAL ORGANIZATION.

SECT: 1st. — SOVEREIGNTY.

110. The Sovereignty belongs to the Community.

111. It is exercised conjointly, in its name by the General Assembly and by the Committee of Gerance, each within the limits of its attributes.

112. Each citizen exercises his part of the sovereignty in voting.

113. The vote is given publicly. When given in writing, it must be signed.

SECT. 2. — PUBLIC POWERS.

114. There are two grand powers : the *legislative* Power, and the *executive* Power.

115. These two Powers are essentially distinct and separate.

116. The executive Power is subordinate to the legislative Power.

117. The legislative Power is confided to the General Assembly, and the executive Power to the Committee of Gerance.

118. The judicial Power is exercised by the General Assembly, or by a jury organized by law.

SECT. 3.-LEGISLATIVE POWER.-GÉNÉRAL ASSEMBLY.

119. The General Assembly is composed of all male persons, fully admitted and of twenty years of age.

120. The women are admitted to the Assembly, in reserved places, and their vote is required as advice. They are also required to give their opinions, on all questions, particularly concerning them.

121. The General Assembly makes the Constitution and the laws.

122. Projects of law may be presented either by the Gerance, or by any citizen.

123. The proceedings of the General Assembly are regulated by an organized and special law.

124. When it shall be found too numerous, the General Assembly, will be replaced by popular Assemblies, and by a Representative or National Assembly, between which Assemblies, the legislative and judicial powers will be distributed by a constitutional and special law.

SECT. 4.-EXECUTIVE POWER.-COMMITTEE OF GERANCE.

§. 1. *Attributes of the Committee of Gerance.*

125. The Committee of Gerance is entrusted with the execution of the laws, and proposes the regulations necessary for their execution.

126. It is also invested with the administration, in conformity with the laws.

It appoints all officers or agents who may appear necessary to aid it in the administration under the responsibility of said Committee.

127. Laws are requisite for the authorisation of contracting loans, for purchasing or selling real estates.

128. Special laws shall organize the several Committees which may be deemed necessary.

§. 2. *Composition of the Gerance.*

129. The Committee of Gerance is composed of six members.

130. One of them is the President.

131. The six members discuss and decide together all prominent questions.

132. In case of division the President decides.

133. The Committee of Gerance can deliberate only when the members present in the place attend the sitting, and when, at least, three in number.

134. Every member of the Gerance may require that his opinion should be mentioned on the minute, and even made known to the General Assembly.

135. Each member assumes the title of "member of the Gerance" and acts in the name of the same.

§. 3. — *Election of the Committee of Gerance.*

136. The six members of the Gerance are elective.

137. They are elected by the General Assembly.

138. They are elected for one year.

139. They may be reelected indefinitely.

140. Half of the members submit to reelection every six months.

141. All are elected by bills written and signed by the voters, and must have an absolute majority.

142. The President is elected separately.

143. The other five members are conjointly elected by lists.

144. Previous to election a list of candidates shall be made out on which the names of the proposed candidates shall be written.

145. Only those candidates inscribed on the list may be elected.

146. Each proposed member, in giving his motives, may demand that his name be not on the list.

147. On consulting the Assembly, if ten members are found to demand that the name be inscribed or continued on the list it shall be inscribed or maintained therein.

148. A discussion may take place on each candidate.

149. This discussion shall be free and frankly conducted, but at the same time dignified and fraternal, animated exclusively by a sense of general and common interest.

§. 4. *Division of the attributes of the Gerance.*

150. The members of the Gerance, divide among

themselves, the charges of the Administration.

151. Their attributes are divided as follows :

1st. — *Presidence* — *Superintendence* and *General Direction*. — 2ly. *General Direction* of finances and provisions. — 3ly. of clothing and lodging. — 4ly. of education, health and amusements. — 5ly. of industry and agriculture. — 6ly. of secretariship and printing office.

152. The members of the Committee of Gerance cannot preside over the General Assembly.

§. 5. — *President*.

153. The president of the Gerance takes the title of President of the Icarian Community.

154. He represents the Community in all exterior relations.

155. He acts, corresponds, negotiates, treats, appears in justice either as plaintiff or defendant, and signs in quality of President of the Icarian Community.

§. 6. — *Responsability*.

156. The Committee of Gerance is responsible. At the beginning of every month it shall present, to the General Assembly, a summary account of its operations during the precedent month, and of the pecunary situation of the Society. Every six months, eight days at least before the election takes place, it shall give to the General Assembly an account of its general administration during the last six months, and expose the condition of the Community.

§. 7. — *Public Functions*.

157. All public functions are established in the interest of the Community.

158. The above are as numerous as it is requisite.

159. All functions are a duty, a charge, a labor which no one can abandon, or refuse to perform, except in case of legitimate impediments.

160. The place where a function is exercised is a workshop for the functionary.

161. All functionaries are mandataries of the Community.

162. They are elective, except in the case foreseen in Art. 126.

163. They are temporary in office, accountable and responsible.

164. They must command with fraternity and their orders must be obeyed with regard, through respect for the law.

165. In case of abuse, either from a functionary towards a citizen, or from a citizen towards a functionary, each of them has the right of protesting and complaining.

#### SECT. 5. — JUDICIAL POWER.

##### §. 1. — *Offenses.*

166. In community the following are offenses : actions which are injurious to the Society, or to any individual ; violation of principles, laws or regulations ; the illegal disposal of things, belonging to the Community ; want of care or of economy ; disorder or trouble brought into the great family.

167. Falsehood and calumny are inexcusable offenses.

168. Abuse and slander, criticism out the General Assembly are also offenses.

##### §. 2. — *Penalties.*

169. The penalties are : 1st. blame or censure in the workshops, or in the General Assembly, or in the public, with more or less exposure ; 2ly. exclusion from the workshops, or from the General Assembly, or even from the Community, in cases which shall be determined by law.

##### §. 3. — *Statement of offenses.*

170. Each director of workshop must state, in a weekly or special rapport, any offense which might have been committed in his workshop.

171. It is a duty which every citizen owes to the interest of the Community, to make known the offenses committed against it.

172. It is the duty of the Committee of Gerance to take notice of offenses, and to require that the laws should be executed against them.

§. 4. — *Judgments.*

173. The offenses against the regulations of the work shop shall be tried by the workshop.

174. The offenses against the Community shall be tried by the General Assembly or by a jury.

SECT. 6. — *REVISION.*

175. The people have always the right of revising, modifying and changing their Constitution. But they may establish, in their own interest, certain rules and formalities, in order that the Constitution should not be exposed to changes too frequent or too precipitate.

175. The Constitution can be revised only after intervals of two years, that is, in 1853, 1855, &c.

177. The revision shall take place in March.

178. Any member who will ask a whole or partial revision of the Constitution, shall write his demand, and present it in the week before the last week of February.

179. The above formality applies to all those who will ask for modifications or changes.

Those written modifications shall be posted up during the last week of February.

180. In the first week of March, the General Assembly shall decide, first, by a majority of three quarters, whether they take the demand of revision into consideration.

181. In the affirmative case, they shall appoint one day in the week of March for the opening of discussions.

182. Each member may propose amendments in writing, to the proposed changes.

183. The Assembly shall discuss and vote, by a majority of three fourths of the votes, the entire or partial revision of the Constitution.

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The foregoing Constitution was first unanimously voted by the general Assembly of the Icarian Community on the 21st. of February 1850 and then discussed, revised and voted anew and unanimously adopted on the 4th. of May 1851, after the act which incorporates the Icarian Community had been granted by the General Assembly of the State of Illinois.

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**BY-LAW RELATING  
TO THE  
GENERAL ASSEMBLY  
OF THE ICARIAN COMMUNITY.**

**ART. 1.** The Assembly is composed of all the male members definitively admitted and of the age of twenty.

**2.** The female members are admitted to the ordinary meetings and even to the extraordinary meetings, when invited: they have separate places assigned them. They can take part in the discussions. They can also give their opinions collectively: but they have only the privilege of expressing their sentiments.

**3.** The above article applies to all males not definitively admitted and to young members between the age of 15 and 20.

**4.** The female members, males provisionally admitted and youthful members, must be called on to give their opinion whenever it especially concerns their particular interest.

**5.** The general Assembly discusses and votes the Constitution of the Community, as also its laws, its important regulations, and all questions submitted to it.

It also sits in justice and decides all criminal acts which may be committed within the Assembly. It also decides in cases of appeal on all criminal acts which have taken place out of the Assembly and which have been previously judged by a Jury.

**6.** The Assembly has a president two vice-presidents and three secretaries, elected by it every three months, and reeligible for another three months. The president cannot be elected vice president.

**7.** It is permanent.

**8.** The Assembly sits at least every saturday. It also call extraordinary sittings whenever deemed necessary.

**9.** The president has the right of main' the assembly. — He regulates the disc

He cannot discuss on a question when desirous of expressing his opinion, a vice-president to preside

10 All questions for discussion are presented by the Gerance.

Any member has also the right to present or support a question if previously submitted to the Gerance.

11. As far as possible, upon all important questions, *the order of the day* shall be announced at the conclusion of each sitting for the following one, the same to be afterwards printed and posted up.

Questions not specified can only be discussed after those specified, except in cases of *urgency* recognised as such by the Assembly.

12. At the commencement of each sitting, the secretary shall read the minutes of the previous one briefly drawn up.

13. Attendance at the sittings is not only a right, it is a duty. No member can absent himself except absolutely prevented, proof of which must be given to the Assembly on its subsequent sitting. All must be in attendance at the appointed hour. No one can leave the room before the sitting shall be suspended or concluded by the president.

Any member unable to be present at the sitting must, if possible, apprise the committee or the Gerance of the same.

After the commencement of the sitting silence and attention must be observed by all. No member can address the Assembly without having previously asked and obtained permission of the president.

14. The most perfect liberty for every member, with order and fraternity, ought to reign at the sittings. Each member must obtain leave to speak in turn, and be listened to without interruption or noise.

15. Any member having cause to complain of one, or other members, must address himself to the president, and not to the individual or individuals of whom he has to complain.

16. *Each member must respect the liberty of others*, the speaker must express himself as briefly as possible and keep to the question; he cannot, without permission of the Assembly, speak more than twice upon the same question.

The president of the Community, the member of the Gerance whose office it may be to sustain the discussion, and the member of the Assembly who may have proposed a question or amendment shall be exempt from this prohibition.

Any member personally attacked can reply to each member who may have attacked him.

A member of the Gerance must always preside on the committee.

17. The president can at any time call the speaker to the order of the day, to the question, to the rules of the Assembly, or to order. He can also request the speaker to express himself briefly.

Any member can, in addressing himself to the president, demand that the rules, the question, or the order of the day be adhered to, that order be maintained or that the sitting be closed. In the last case the president must consult the Assembly, in the four others he can either decide himself or consult the Assembly.

If a member would protest against the decision of the president he must do so orderly and with civility ; but the president must consult the Assembly.

18. The articles of a law must be voted by a show of hands, or by rising and sitting with proof on the contrary. The entire proposition may be voted yes and no upon a call of names.

The principal articles can also be voted in this manner.

19. The minority must submit to the decision of the majority and must execute its decision without demur : this is an engagement undertaken tacitly, freely and voluntarily by all previous to all discussion and voting.

20 Respect for the decision of the General Assembly and for the its performance without demur are the base of social order and of Community, as also of Democracy and the Republic. After a free and regular discussion, all criticism particular in private is forbidden as anarchical and anti-social.

21. But at the expiration of six months after the vote, the revision of the law or regulation can be discussed if such demand be made by five members.

22. The decisions of the General Assembly must be

signed by the president and his secretary and by the president of the Community. They will be entered on record and be published and posted up by the Gerance.

The foregoing was unanimously voted and accepted on the 30th. of January 1851 and was also unanimously confirmed or voted anew by the general Assembly of the Icarian Community after the passage of the act of incorporation.

BY-LAW RELATING TO  
**Admission, Withdrawal, Exclusion.**

SECT. 1st. — ADMISSION.

ART. 1st. Admission into the Icarian Community will be first *provisional* then *definitive*.

2. Both will be pronounced at Nauvoo by the General Assembly upon the report and proposition of the Gerance.

§ 1st. — *Provisional Admission.*

3. The Gerance will ascertain if the applicant has really fulfilled all the *conditions* required by the law.

4. It will examine all the *articles* which should be produced by the applicant.

6. It will consult the biography of the applicant, his certificates, attestations, letters &c.

7. It will question the applicant upon each of the conditions of admission, upon the Icarian principles, upon his social, political and moral opinions, upon his rights and his duties, to assure itself that he is well acquainted with the Icarian doctrines and the writings which expose them, and that he adopts completely these doctrines and has the qualities necessary for their practice.

8. It will institute an *inquest* and neglect no means of enlightening the General Assembly.

9. The General Assembly may repeat the examination.

10. The presence of nine-tenths of the General As-

sembly and a majority of three-fourths of the votes will be necessary for admission.

11. The provisional admission will be noted upon a particular register, in which will be written: 1st. the full name, &c., of the one admitted; 2nd. the vote for the admission; 3d. the portion in money &c., brought into the Society by the person admitted, with a contradictory estimate; 4th. the wardrobe and the utensils with their estimated value.

12. These different acknowledgements and estimations will be signed by the person admitted.

13. When a person is provisionally admitted, he will put into the Society his portion, his utensils and all that he shall have, reserving only his legal wardrobe.

14. If he is not definitively admitted he will have returned to him his good and four fifths of his portion in money, provided that he departs peaceably and fraternally.

15. He can reclaim nothing for his labor, that being compensated for by his boarding, lodging, &c.

16. During four months of probation the provisionally admitted may, at any time, withdraw by giving eight days notice of his intention.

17. The General Assembly may, at any time, invite him to withdraw.

### §. 2. — *Definitive Admission.*

18. After four months of trial, the applicant may be definitively admitted.

19. The Gerance may again interrogate, examine and hold an *inquest*.

20. The definitive admission will take place in the same manner as the provisional.

21. Immediately then all the portion in money as in goods, become the property of the Society.

22. The one admitted will preserve his legal wardrobe until the Community shall replace the old wardrobe by a new legal one.

23. All his other property, linnen, clothes, implements, instruments, books, jewels, arms, &c., will be marked anew with the mark of the Community and confounded in the common mass.

SECT. 2. — WITHDRAWAL.

24. If the common life should become insupportable, any one may withdraw by taking the necessary precautions that the withdrawal be not prejudicial to the interest of the Community.

25. The withdrawal can only take place in the following conditions:

1st. It is necessary to give notice in writing. This notice will be registered. The withdrawal will take place after the delay fixed by the General Assembly, which delay shall not exceed three months;

2nd. The withdrawal must take place without any hostile feelings.

26. Any one retiring after fulfilling the above conditions, will receive :

1st. His wardrobe such as he may possess at the time ;

2nd. His bedding, such as he may then have ;

3d. Such utensils as may have been deemed indispensable for him at the time of his definitive admission ;

4th. The half part of his portion in money and goods, or their value according to the estimate made and consented to at the time of his definitive admission.

27. This half will be paid to him as follows: twenty dollars in ready money, the rest in money or notes without interest, in one or more payments after the delays which will be fixed by the General Assembly, which delays shall not exceed five years.

28. Should any one retire whose portion may have been paid entirely or in part by some one else, he can only reclaim the half of that which he himself paid.

29. No one shall take away the bedstead, the chairs, the tables nor any other article of furniture which may have been furnished him by the Community.

30. The trunk and boxes of any one withdrawing will be examined before his departure.

SECT. 3. — EXCLUSION.

31. If any one withdrawing or any other members should violate these regulations ; if he should disregard

the authority of the Gerance or the General Assembly, the laws and regulations, if he should trouble the Community, he may be *expelled* by a decision of the General Assembly.

32. This exclusion can take place by a majority of three fourths of a General Assembly comprising nine tenths of the members.

33. The votes for admission or exclusion will be public.

34. Articles 26, 27, 28, 29 and 30 will apply to one excluded.

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The above by-law was first adopted on the 5th of April 1850; it was confirmed or voted anew after the passage of the act of incorporation.

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#### BY-LAW CONTAINING

the principles of the revision of the by-law

#### RELATING TO ADMISSION, WITHDRAWAL AND EXCLUSION.

On the 12th. of Juin 1854 the general Assembly of the Icarian community resolved :

1st. To maintain the principle of provisional admission ;

2nd. To maintain the principle of the definitive admission by the General Assembly of the community ;

3d. To maintain the principle of free withdrawal ;

4th. To maintain, the principle of returning to withdrawing members, their wardrobe, bedding and tools ;

5th. To maintain, for the case of withdrawal at Nauvoo, the principles of returning the half part of the entrance portion in accordance with article 26 N<sup>o</sup> 4 and article 27 of the by-law of April 5th. 1850 ;

6th. To establish from and after the first day of January 1855, an invariable sum for all the persons who should not be entitled to claim a half portion equal to the said sum ;

7th. To settle the question of unmarried females who are admitted without portion, so that any bachelor might have a chance to marry one of them ;

8th. To reduce to \$60 the minimum entrance portion ;

9th. To adopt as soon as possible the principle of other successive reductions ;

10th. To apply as soon as possible the principle of the uniform dress, of a reduction in the costs of the wardrobe, and of the replacing the old wardrobe by a new legal one, to be furnished by the Community.

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**BY-LAW TO COMPLETE ARTICLE 6th.**

of the by-law containing the principles of the revision of the by-law relating to admission withdrawal and exclusion.

Art. 1. A sum of \$20 for each adult person, and one of \$10 for each child, who are definitive members of the Community shall, in case of withdrawal from said Community, by such members, be granted to them in agreeing with section 2 (withdrawal) of the by-law of April 5th. 1850.

2. Every male person being 21 years old and every female being 18 years old should be considered as adult persons.

3. Every year, the foregoing by-law shall be revised after a general inventory shall have been made, when the above sums of \$20 & \$10 may be increased in proportion with the increase of the new inventory upon the precedent one.

4. The foregoing by-law shall take effect from and after the present day.

*Nauvoo August 23d. 1856.*

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**AN ACT ORGANIZING**

**THE ICARIAN COLONY IN IOWA.**

Art. 1 The Establishment founded in Adams County, Iowa, by the Icarian Community of Nauvoo, Illinois, is named and styled the Icarian Colony.

2. As soon as practicable, the seat of the Icarian Community shall be transferred to its Icarian Colony.

3. The Community is bound to make all its efforts for the prosperity of the Colony.

4 The Colony is bound to execute and practise all



the principles of Icarian communism, as specified in the constitution and by-laws of the community, for the purpose of realizing the Icarian doctrine.

5. As the Colony is sent by and founded for the benefit of the whole Community, and at the expense of the latter, said Colony has to act, work, produce, preempt, acquire, and possess for said Community.

6. The Icarian Colony is subject to all the by-laws of the Icarian Community.

7. The Community shall not infringe by any revision or new law upon the constitutive principles of the Icarian Community.

8. The Colony shall keep daily accounts of its transactions and labor and render to the Community an account for all the money received, spent or disbursed.

9. The Colony shall meet in a colonial Assembly for the purpose of regulating its labor and particular operations.

10. The Colonial Assembly shall have a President a vice-president and two secretaries elected by said assembly every three months.

11. The sale of the real estate in the Icarian Colony can be made but with the consent of three fourths of the voting members, both in Illinois and in Iowa, of the Icarian Community.

12. The Colony shall have a director, a sub-director and a secretary-treasurer to be elected every year by the voting members of the Colonial Assembly and eligible for selection.

13. For the present year, the director, sub-director and secretary-treasurer of the Icarian Colony shall be elected on the first monday of May next.

14. From and after the year 1858, the election for said officers shall take place on the first monday of February in each year.

15. The director is charged to manage the affairs of the Colony in agreement with the Colonial Assembly, to have its resolutions executed and to represent the Colony abroad. He shall render to the Colony an account of his operations.

16. The secretary-treasurer shall keep the books of

account. He shall receive and pay money for account of the Colony.

17. The administrative correspondence with the Community shall be attended to by the secretary-treasurer who prepares the letters which must be submitted to the approbation of the Colonial Assembly.

18. All the definitive members of the Icarian Community may be admitted to go to the Colony upon an application addressed to the General Assembly of the Community.

19. The General Assembly of the Community shall determine how and when the members applying for admittance, shall leave for the Colony.

20. If any member of the Colony wants to withdraw from the Community he shall not be allowed to claim any compensation for his labor ; but shall have his account settled, like members withdrawing from the Community in Nauvoo, according to the law voted on April 5th. 1850, amended on June 12th. 1854, and completed on August 23th. 1856 by the General Assembly of the Community,

21. In case of the Colonial Assembly being in the impossibility of settling account with withdrawing members, said Assembly shall have power to decide that such members shall wait until they receive their settlement from Nauvoo.

22. When any member of the Colony wishes to return to Nauvoo, he must first inform the Icarian Colony of his intention and then obtain his authorization from the general Assembly of the Community.

23. As an exception to the foregoing article, every member of the Colony shall be obliged to return to Nauvoo when his return shall have been decided by a majority of three fourths of the voters in the Colonial Assembly.

24. The "law organizing the Icarian Colony of Iowa", and recorded in the office of the recorder of Adams County, Iowa, on the 4th. of August A. D. 1854, in book A on pages 36 to 42, as also the law passed on June 12th. A. D. 1854 and recorded in the office, at the date and in the book above written on pages 36 to 42 shall be void

and replaced by the foregoing act from and after its record in Adams County, Iowa.

25. The actual director of the Icarian Colony is charged to have the foregoing act recorded before the first day of May next.

26. Said act shall be printed and kept posted up in the most public place of the Icarian Colony.

Passed March 21th. 1857.

Received for Record this 20th. day of April A. D. 1857 at 10 o'clock A. M. and recorded in book A. on pages 69 and 70.

J. H. COLVIN  
Recorder of Adams County, Iowa.



1871  
The following is a list of the names of the persons who have been admitted to the membership of the Society since the last meeting of the Council.

1. Mr. J. H. Smith

2. Mr. J. H. Smith

3. Mr. J. H. Smith

4. Mr. J. H. Smith

